



**MINUTES OF THE SPECIAL JOINT MEETING OF  
THE CITY COUNCIL/REDEVELOPMENT  
AGENCY OF THE CITY OF HAYWARD, City  
Council Chambers 777 B Street, Hayward, CA 94541  
Tuesday, January 19, 1999, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriquez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PRESENTATION: On Behalf on the Estate of Manny Newman**

Mayor Cooper introduced Sam Newman and Jean Stark, brother and sister of Manny Newman, who made a presentation on behalf of the estate of Manuel Newman. Mr. Sam Newman commented on his brother's love for Hayward and desire to leave the City something. He and Mrs. Stark presented the City of Hayward with a check in the sum of \$50,000 to be used towards a park in their brother's honor.

On behalf of the City, Mayor Cooper thanked the entire family for this most generous gift. Members and friends present were introduced and acknowledged. Additionally, she indicated that a proposed site could be the vacant parcel at the corner of B Street and Mission. Acquisition proceedings will be considered on this agenda later in the evening. Lastly, she indicated that the Rotary Club has made a commitment to provide volunteer labor towards the new park, which would be named the Manny Newman Park in his memory.

Council Member Jimenez noted that he was a friend of Manny's, who owned and operated a taxicab company. He reported that they belonged to a club called the Waterfront Merchants who met on a monthly basis.

**PUBLIC COMMENTS**

Pat Gowin, 539 Sarah Place, reported that on Sunday afternoon she and her husband were walking in their El Rancho Verde neighborhood when she slipped on a muddy portion of sidewalk on Blanche Street. She emphasized that sidewalks in Hayward should be a concern of the residents who live on that street. She displayed packages of driftwood that she had collected from flooded streets in her neighborhood. She felt that residents should be aware of the condition of their sidewalks and clean them when necessary to avoid accidents such as the one she suffered last week. She hoped that all residents could make the effort to make their sidewalks safe.

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Jason Moreno, 25200 Carlos Bee Boulevard, commented on topics that were discussed at the public meeting held on October 24, 1998. He commented on the Brown Act and Measure HH, a measure on the November 1998 ballot and referenced particular political contributions received by several members of the Council.

Mayor Cooper asked that in the future he refer to Measure HH with its proper designation.

## CONSENT

1. Approval of Minutes of the Meeting of the City Council of January 12, 1999.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to approve the Minutes of the Meeting of the City Council of January 12, 1999.

2. Adoption of an Ordinance - Amending Section 10-1.147 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 27621 Whitman Street, Pursuant to Zone Change Application 98-190-01

Staff report submitted by City Clerk Reyes, dated January 19, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Ordinance 99-01, "An Ordinance Amending Section 10-1.147 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 27621 Whitman Street, Pursuant to Zone Change Application 98-190-01"

3. Acceptance of Glenn Kirby's Resignation from the Planning Commission

Staff report submitted by City Clerk Reyes, dated January 19, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-010, "Resolution Accepting the Written Resignation of Glenn Kirby as a Member of the Planning Commission"

4. State-Local Transportation Partnership Program: Authorization to Execute Program Supplement Nos. 019 and 020



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Staff report submitted by Deputy Director of Public Works  
Bauman, dated January 19, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and  
unanimously carried to adopt the following:

Resolution 99-011, "Authorizing the City of Hayward to Execute  
Program Supplement Number 019 and 020 to State-Local  
Transportation Partnership Program Agreement No. SLTPP -  
5050"

5. Acquisition of Property at 22736 Atherton Street (APN 428-071-039)

Staff report submitted Redevelopment Director Bartlett, dated  
January 19, 1999, was filed.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Hilson, and  
unanimously carried to adopt the following:

RA Resolution 99-01, "Resolution Authorizing Acquisition of  
Property Located at 22736 Atherton Street and Appropriating  
Funds from the Low and Moderate Income Housing Fund"

6. Contract with the Hayward Chamber of Commerce to Provide Promotional Services to the  
Downtown Business Improvement Area

Staff report submitted Redevelopment Director Bartlett, dated  
January 19, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and  
unanimously carried to adopt the following:

Resolution 99-012, "Resolution Authorizing the City Manager to  
Enter into a Contract with Hayward Chamber of Commerce to  
Provide Promotional Services to the Downtown Business  
Improvement Area "

**LEGISLATIVE BUSINESS**

7. Authorization of Eminent Domain Procedures for the Shiells Property at the Northeast  
Corner of Mission Boulevard and "B" Street

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Staff report submitted by Deputy Director for Public Works Bauman, for January 19, 1999, was filed.

Director of Public Works Butler made the staff report. He indicated that, if the property is acquired, a pocket park would be constructed with the help of the Hayward Rotary Club. Eminent domain proceedings will benefit both the City and the property owner. He then answered questions from Council Members. He indicated that staff had tried to contact the family to discuss negotiations with them. They have not responded. The core area plan for the downtown includes a linear park for the fault corridor along the easterly side of Mission Boulevard. This is a continuation of that same concept to enhance and beautify the downtown. The Hayward fault has been mapped on the easterly side of the lot. The City agreed to continue to negotiate with the property owner to reach a settlement prior to the setting of court date.

Mayor Cooper opened the public hearing at 8:28 p.m.

John Shiells, 5061 Blackhawk Drive, Danville, indicated that they had not discussed his plans with staff and has intentions to develop this property in conjunction with the adjacent properties that the family owns. He would fight this vigorously in opposition.

Council Member Ward asked why nothing has happened for the past 10 years it has been vacant. Mr. Shiells responded that he and an attorney tried to meet with City staff and was not given any help or resources for development. Council Member Ward indicated that the property had been an eyesore and he wondered whether there was a reason why nothing had been done.

Council Member Dowling asked whether the property could be developed for other use with the fault line under it. City Manager Armas noted that the appraiser indicated that the best use for the property would be as a parking lot. He also made note that there would have to be a 25-foot setback for a parking lot. Recognizing the need to improve the site, the appraisal value was decreased substantially.

Ray Baker, 1500 Spruce Street, Berkeley, said this is the site of a former historic office building. He indicated that the adjoining property has had to be retrofitted; and asked why a retrofitted building couldn't be constructed on this site.

Mayor Cooper closed the public hearing at 8:36 p.m.

Council Member Henson moved the item and noted that he hoped that negotiations would continue and be resolved prior to any litigation.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried by all present, to approve the following:



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Resolution 99-013, "Resolution Finding and Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of a Portion of Certain Real Property Located at 22582 Mission Boulevard to Carry Out a Public Park Project"

Resolution 99-014, "Resolution Amending Resolution 98-107, as Amended, the Budget Resolution for Fiscal Year 1998-99, Relating to a Transfer of Funds from the General Fund, Fund 100 to the Capital Improvement Fund, Fund 410 for the Acquisition of Real Property at 'B' Street and Mission Boulevard: Project No. 6988"

8. Adoption of an Ordinance Amending Section 10-1.167 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 30151 Industrial Parkway SW, Pursuant to Zone Change Application 98-190-08

Staff report submitted by City Clerk Reyes, for January 19, 1999, was filed.

City Clerk Reyes stated that this ordinance was introduced on January 12 as part of the zone change to develop the property listed.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 8:40 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by the following roll call vote to adopt the ordinance:

AYES: Council Members Jimenez, Rodriquez, Ward,  
Henson  
MAYOR Cooper  
NOES: Council Members Hilson, Dowling  
ABSENT: None  
ABSTAINED: None

Ordinance 99-02 "An Ordinance Amending Section 10-1.167 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property Located at 30151 Industrial Parkway SW, Pursuant to Zone Change Application 98-190-08"

At the conclusion of this item, Mayor Cooper informed City Attorney O'Toole that she had  
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received a speaker's card from Jason Moreno for item #6 on the Consent Calendar but did not offer him opportunity to speak.

City Attorney O'Toole indicated that Mayor Cooper could provide opportunity for Mr. Moreno to speak at this time and should any Council Member wish to change the original vote, he or she could request a reconsideration of the item.

Jason Moreno, 25200 Carlos Bee Boulevard, asked how the Chamber of Commerce was selected and were other agencies considered.

City Manager Armas responded that in the past multiple agencies had submitted bids for this service and they were discussed at a previous meeting. He referred Mr. Moreno to a previous agenda report and suggested he contact the City Manager's office should there be further questions.

### **COUNCIL REPORTS**

There were no Council Reports.

### **ADJOURNMENT**

Mayor Cooper adjourned at 8:43 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward